

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

ROBERT DURAND.

Plaintiff,

v.

ELY STATE PRISON, et. al.,

Defendant.

Case No. 3:19-cv-00460-ART-CLB

**ORDER GRANTING MOTION
TO EXTEND TIME AND LEAVE TO FILE
MOTION FOR SUMMARY JUDGMENT**

[ECF No. 60]

10 Before the Court is Defendants motion to extend time and leave to file a motion for
11 summary judgment related to the issue of exhaustion. (ECF No. 60.) No opposition was
12 filed. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and
13 authorities in response to any motion shall constitute a consent to the granting of the
14 motion. Therefore, Defendant's to extend time and for leave to file a motion for summary
15 judgment, (ECF No. 60), is **GRANTED**.

16 Defendants shall have until **Friday, December 9, 2022** to file their motion for
17 summary judgment related to the issue of exhaustion. Any opposition to the motion shall
18 be filed on or before **Friday, December 30, 2022** and any reply brief shall be filed on or
19 before **Friday, January 13, 2023**.

In addition, the Court will extend the bifurcated discovery schedule and vacates the current Discovery Plan and Scheduling Order, (ECF No. 58). In the event the motion for summary judgment is denied, the Court will enter an updated Discovery Plan and Scheduling Order that will include all applicable discovery deadlines and litigation deadlines.

IT IS SO ORDERED.

DATED: December 5, 2022

UNITED STATES MAGISTRATE JUDGE